

ORIGINAL

FEDERAL MARITIME COMMISSION

OCEAN COMMON CARRIER STATES OF
SHANGHAI HAI HUA SHIPPING CO., Ltd.
(HASCO) and SNL/HASCO CROSS
SPACE CHARTER AND SAILING
AGREEMENT, FMC AGREEMENT No.
011807

Docket No. 02-09

Served: August 23, 2002

SUMMARY INTERIM ORDER

This proceeding was initiated by the Federal Maritime Commission ("Commission") on June 26, 2002 pursuant to sections 4, 5, 6, 8, 10, 11, and 19 of the Shipping Act of 1984 ("Shipping Act"), 46 U.S.C. app. §§1703, 1704, 1705, 1707, 1709, 1710, and 1718. The Commission's Order of Investigation, Request for Additional Information, and Order to Show Cause ("Order") directed an investigation into whether Shanghai Hai Hua Shipping Co., Ltd. ("HASCO") is an ocean common carrier; whether the SNL/HASCO Cross Space Charter and Sailing Agreement, Agreement No. 011807 ("Agreement") should be disapproved, if it is found that HASCO is not an ocean common carrier; and whether the Agreement should be disapproved, if it is found that the Agreement, as filed, does not meet the requirements of 46 C.F.R. § 535.103(g). In addition, the Order directed HASCO to show cause why its tariff (No. 017636-001) should not be canceled; and why HXSCO should not be ordered to cease and desist doing business as a common carrier until such time as it provides proof to the Commission that it publishes and

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maintains a valid automated tariff as a non-vessel-operating common carrier ("NVOCC") and maintains a bond and resident agent as required by section 19 of the Shipping Act and Commission regulations. This Order summarizes the matters presently before the Commission in this proceeding and the Commission's disposition of those matters.

The Commission has before it :

- a) a request by HASCO for expedited approval of the Agreement;
- b) HASCO's Motion to Strike the Bureau of Enforcement's ("BOE") Response to Motion for Expedited Approval and BOE's Response thereto;
- c) the Petition of Sinotrans Container Lines Co. Ltd. ("SNL") for Confidentiality and BOE's response thereto; and
- d) BOE's Petition for Injunctive Relief and HASCO's and SNL's responses thereto.


The Commission has determined to:

- a) deny HASCO's request for expedited approval of the Agreement;
- b) deny HASCO's Motion to Strike BOE's Response to HASCO's Motion for Expedited Approval;
- c) grant SNL's Petition for Confidentiality;
- d) deny BOE's Petition for Injunctive Relief; and
- e) order HASCO to provide a *Vaughn* Index of any documents it has not produced in response to the Commission's Request for Additional Information for

which it asserts attorney client privilege.’

An Order more fully setting forth the Commission’s action will be issued shortly.

By the Commission.



Bryant L. VanBrakle
Secretary

‘Vaughn v. Rosen, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1944). A *Vaughn* Index requires a party asserting privilege as to documents whose production is required to make the claim expressly, and describe the nature of the documents, communications, or things not produced or disclosed in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the applicability of the privilege or protection.